

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**STATE OF OHIO**

**Plaintiff,**

**Case No. C-3-08 -CV-476**

**-vs-**

**District Judge Thomas M. Rose**

**LARRY EALY**

**Defendant.**

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**ENTRY AND ORDER OVERRULING THE OBJECTIONS (DOC. #4) BY DEFENDANT  
TO THE REPORT AND RECOMMENDATIONS OF THE MAGISTRATE JUDGE (DOC.  
#3) FILED DECEMBER 30, 2008, ADOPTING SAID REPORT AND  
RECOMMENDATIONS; DISMISSING AND TERMINATING CASE ON THE COURT'S  
RECORDS**

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This matter comes before the Court pursuant to a Report and Recommendation (Doc. #3) of Magistrate Judge Michael R. Merz, filed December 30, 2008 and Objections (Doc. #4) to that Report and Recommendation filed by Defendant on January 6, 2009.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon full and complete consideration of the foregoing, the Court has determined that the Objections filed are not well-founded and therefore, OVERRULED. The Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety.

This action is DISMISSED, with prejudice, and, therefore, terminated on the docket of the United States District Court, Southern Division of Ohio.

IT IS SO ORDERED.

January 16, 2009

**\*S/THOMAS M. ROSE**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE